

## **REMARKS**

### **Status of the Claims**

Claims 1-29 are pending in this application.

Claims 1-11 and 15-26 are rejected.

Claims 12-14 are objected to.

Claim 27-29 are new.

Claims 1 and 18 have been amended. Support for these amendments can be found throughout the specification, claims, and drawings, as originally filed.

### **Rejection of Claims 1-3, 6, 7, 9-11, 15, 16, 18, 19 and 22-26 Under 35 U.S.C. § 102(b)**

Claims 1-3, 6, 7, 9-11, 15, 16, 18, 19 and 22-26 were rejected under 35 U.S.C. §102(b) as being clearly anticipated by U.S. Patent No. 6,322,221 issued to van de Loo (hereafter van de Loo patent). Applicant has reviewed the van de Loo patent as well as the rejected claims and respectfully traverses the rejection. With regard to independent claim 1 and dependent claims 2, 3, 6, 7, 9-11 and 15, these claims define a detent arrangement between the plate and spigot where the plate is held with respect to the spigot. The rejected claims require "a spring acting against the detent arrangement to hold it the locked position..." See claim 1. Applicant maintains that the spring in the van de Loo patent does not act in the same way. More specifically, van de Loo describes how the spring (23) transfers force by pushing downwardly on the tube (22) which in turn causes the retainer (29) to apply force on the gear wheel (25) which in turn applies force of the flange (26) which applies force to the casing (14) downwardly with

respect to the spigot (11). Col. 6, lines 1-6. Furthermore the detent (17) as identified in van de Loo is not disclosed between the plate and spigot, nor does the spring (23) of van de Loo act on the detent arrangement (17). See van de Loo, Fig. 1.

Claims 1-3, 6, 7, 9-11 and 15 also require “a stop portion associated with the spigot and adapted to engage with a stop arrangement on either the mirror head or the mirror mounting bracket to limit rotation of the mirror head with respect to the mirror mounting bracket.” See claim 1. This limitation is not disclosed by van de Loo. The Office Action has taken the position that projections (18) and recesses (19) that form part of the detent (17) of the van de Loo patent are stop members. Applicant respectfully disagrees and maintains that van de Loo only shows a way of resisting rotation and does not stop or prevent further rotation of the mirror head with respect to the mirror mounting bracket. The specification of van de Loo supports this and states that “[t]his results in positive engagement of the detents which in turn resists any relative rotation of the casing with respect to the spigot (11).” Col. 5, lines 49-51. Thus van de Loo only resists rotation and does not stop rotation. For all the above reasons, Applicant does not believe that van de Loo anticipates each and every element of rejected claims 1, 2, 3, 6, 7, 9-11 and 15, removal of the rejection is respectfully requested.

With regard to the rejection of independent claim 18 and dependent claims 19 and 22-26, Applicant traverses the rejection of these claims as being anticipated by van de Loo. More specifically, these claims all require the limitation of a first plate and a second plate with a detent between the first and second plates that changes from a locked position where the first and second plates are with respect to each other to a

disengaged position by the rotation of the first and second plates, with respect to each other. See claim 18. A spring element acts to push the first and second plates together and to resist separation of the first and second plates. See claim 18. Applicant maintains that van de Loo does not anticipate these limitations of the claims. van de Loo describes how the spring (23) transfers force by pushing downwardly on the tube (22) which in turn causes the retainer (29) to apply force to the gear wheel (25) which in turn applies force on the flange (26) which applies force to the casing (14) downwardly with respect to the spigot (11). Col. 6, lines 1-6 and Fig. 1. Applicant maintains that van de Loo does not operate in the same manner as the rejected claims. van de Loo does not disclose first and second plates having a detent arrangement between them. Nor does van de Loo disclose a spring that acts to push the first and second plate together. Instead van de Loo teaches a spring element that acts on a series of components completely unrelated to the limitations set forth in the claims of the present application. For the above reasons, Applicant respectfully requests removal of the rejection of claims 18, 19 and 22-26 which include limitations that are distinguishable from the van de Loo reference.

Rejected claims 18, 19 and 22-26 also require “a stop means associated with the shaft and adapted to engage with a stop arrangement on either the mirror head or the mirror mounting bracket to limit rotation of the mirror head with respect to the mirror mounting bracket.” See claim 18. This limitation is not disclosed by van de Loo. The Office Action has taken the position that projections (18) and recesses (19) that form part of the detent (17) of the van de Loo patent are stop members. Applicant respectfully disagrees and maintains that van de Loo only shows a way of resisting

rotation and does not stop or prevent further rotation of the mirror head with respect to the mirror mounting bracket. The specification of van de Loo supports this and indicates states that “[t]his results in positive engagement of the detents which in turn resists any relative rotation of the casing with respect to the spigot (11).” Col. 5, lines 49-51. For all the above reasons, removal of the rejection of claims 18, 19 and 22-26 and allowance thereof is respectfully requested.

#### **Rejection of Claims 4, 5, 8, 20 and 21 Under 35 U.S.C. § 103**

Claims 4, 5, 8, 20 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,022,113 issued to van de Loo (hereafter van de Loo) and further in view of U.S. Patent No. 6,022,113 to Stolpe (hereafter Stolpe). Applicant respectfully traverses the rejection.

With regard to claims 4, 5 and 8 Applicant maintains that the combination of van de Loo in view of Stolpe does not teach or suggest all the limitations of these rejected claims. Claims 4, 5 and 8 have the limitation of a detent arrangement between the plate and spigot that changes from a lock position, where the plate is held with respect to the spigot to a disengaged position by the rotation of the plate with respect to the spigot. Furthermore, a spring acts against the detent arrangement to hold it in the locked position. In contrast, van de Loo describes how the spring (23) transfers force by pushing downwardly on the tube (22) which in turn causes the retainer (29) to apply force on the gear wheel (25) which in turn applies force on the flange (26) which applies force to the casing (14) downwardly with respect to the spigot (11). Col. 6, lines 1-6. Thus, in order for the proposed combination of van de Loo in view of Stolpe to render

claims 4, 5, and 8 obvious, Stolpe must fill the gap left by van de Loo, or the proposed combination of references will fall.

Stolpe discloses an external rear view mirror for automobiles. More specifically, teaches or suggests a detent arrangement shown as the ramped surfaces of gear 6 shown in Fig. 12 is locked by latching cams (16a), (16b), (16c). Stolpe further teaches a spring (8) that resists movement of the mirror housing by applying force on washer (16b) which applies force to housing (3) and eventually to the gear (6). See Col. 4, lines 43-47. Thus, Stolpe does not teach or suggest a spring acting against the detent arrangement in the same manner as in claims 4, 5 and 8 of the present application.

Claims 4, 5 and 8 also contain the limitation of "a stop portion associated with the spigot and adapted to engage with a stop arrangement on either the mirror head or the mirror mounting bracket to limit the rotation of the mirror head with respect to the mirror mounting bracket." See claim 1. The proposed combination of van de Loo in view of Stolpe do not teach or suggest this limitation. van de Loo shows only a way of resisting the rotation of the mirror head with respect to the mirror mounting bracket, using the projections (18) and recesses (19) that form part of the detent (17). van de Loo does not teach or suggest these structures being used to stop the rotation of the mirror head with respect to the mirror mounting bracket, but merely suggests resisting rotation. See van de Loo at col. 5, lines 49-51. Therefore, since van de Loo fails in this regard, the Stolpe patent must fill the gap or the proposed combination of references will fall.

Stolpe teaches or suggests stop cams (15a), (15b) formed on the top surface (45) of the mirror base. See Stolpe col. 4, lines 62-64. The stop cams (15a), (15b) serve the function of preventing the gear wheel (6) from further rotation. See Stolpe at

col. 5, lines 60-65, Fig. 7. However, Applicant points out that Stolpe would only teach or suggest a stop being disposed on a base that interacts with a gear wheel (6). There is nothing in Stolpe or van de Loo that teaches or suggests a stop portion associated with the spigot and adapted to engage a stop arrangement on either the mirror head or mounting bracket. For this reason, Applicant maintains that the proposed combination of van de Loo in view Stolpe does not teach or suggest all of the limitations set forth in claims 4, 5 and 8 and removal of the rejection is respectfully requested.

With regard to claims 20 and 21 Applicant maintains that the combination of van de Loo in view of Stolpe does not teach or suggest all of the limitations of these claims. van de Loo does not teach or suggest a first plate and a second plate with a detent between the first and second plates having a spring acting to push the first and second plates together to resist separation of the first and second plates. Instead van de Loo teaches a spring (23) that transfers force by pushing downwardly on the tube (22) which in turn causes the retainer (29) to apply force on the gear wheel (25) which in turn applies force on the flange (26) which applies force to the casing (14) downwardly with respect to the spigot (11). See van de Loo at col. 6, lines 1-6. Furthermore, Applicant believes that the Stolpe reference does not remedy the void left by the van de Loo patent, therefore the proposed combination of references will fail.

Stolpe teaches or suggests a detent represented on Fig. 7 as the bottom surface of the drive gear (6) which interacts with latching cam (16a), (16b), (16c). As recited by the claim the detent is between the plates, therefore, in order for Stolpe to render claims 20 and 21 obvious the spring element must act on the plates. Stolpe teaches no such structure. Instead Stolpe teaches a spring (8) that rests between two washers (9a), (9b)

and presses on the gear wheel by means of the washer (9b), the drive housing (4) and the sliding ring (7) against the mirror base (2). Col. 4, lines 43-48. This is not the same as what is taught by claims 20 and 21 of the present application.

Claims 20 and 21 also require a stop arrangement on either the mirror head or the mirror mounting bracket to limit rotation of the mirror head. The proposed combination of van de Loo in view of Stolpe do not teach or suggest this limitation. van de Loo shows only a way of resisting the rotation of the mirror head with respect to the mirror mounting bracket, using the projections (18) and recesses (19) that form part of the detent (17). van de Loo does not teach or suggest these structures being used to stop the rotation of the mirror head with respect to the mirror mounting bracket, but merely suggests resisting rotation. See van de Loo at col. 5, lines 49-51. Therefore, since van de Loo fails in this regard, the Stolpe patent must fill the gap or the proposed combination of references will fall.

Stolpe teaches or suggests stop cams (15a), (15b) formed on the top surface (45) of the mirror base. See Stolpe col. 4, lines 62-64. The stop cams (15a), (15b) serve the function of preventing the gear wheel (6) from further rotation. See Stolpe at col. 5, lines 60-65, Fig. 7. However, Applicant points out that Stolpe would only teach or suggest a stop being disposed on a base that interacts with a gear wheel (6). There is nothing in Stolpe that teaches or suggests a stop portion associated with the spigot and adapted to engage a stop arrangement on either the mirror head or mounting bracket. For this reason, Applicant maintains that the proposed combination of van de Loo in view Stolpe does not teach or suggest all of the limitations set forth in claims 20 and 21; removal of the rejection is respectfully requested.

The Office Action further rejected claim 7 of the present application under 35 U.S.C. § 103(a) as being unpatentable over van de Loo. Applicant notes that claim 7 is dependent upon claim 1. Therefore, claim 7 of the present application would not be rendered obvious in view of van de Loo since claim 7 includes the limitations of a spring member that acts on the detent arrangement that is disposed between a plate and a spigot. Also claim 7 includes the limitation of a stop portion that limits the rotation of the mirror head with respect to the mirror bracket. For these reasons, Applicant requests removal of the rejection of claim 7 and allowance thereof.

#### **Allowable Subject Matter**

Claims 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant kindly thanks Examiner for indicating that these claims would be allowable if rewritten in independent form. Applicant has added new claims 27-29 which include the subject matter of claims 12-14 that the office action indicated to be allowable. Allowance of these new claims is respectfully requested.

#### **CONCLUSION**

It is respectfully submitted that in view of the above amendments and remarks that claims 1-29, as presented, are patentably distinguishable because the cited patents, whether taken alone or in combination, do not anticipate or render obvious, the claims of the present invention. Therefore, Applicant submits that the pending claims are properly allowable, which allowance is respectfully requested.



The Examiner is invited to telephone the Applicant's undersigned attorney at  
(248) 364-4300 if any unresolved matters remain.

Respectfully submitted,

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